

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 056 - FOLDER -002

[07/03/1996-07/17/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kathleen Whalen to Elena Kagan Subject: interns (1 page)	07/09/1996	P6/b(6)
002. email	David Fein to Jack Quinn et al. re: Contact information (2 pages)	07/12/1996	P6/b(6)
003. email	Michael Fitzpatrick to Elena Kagan at 10:58:11.36. Subject: Lunch (1 page)	07/17/1996	Personal Misfile
004. email	Michael Fitzpatrick to Elena Kagan at 18:57:13.25. Subject: Lunch (1 page)	07/17/1996	Personal Misfile
005. email	Michael Fitzpatrick to Elena Kagan at 18:59:19.19. Subject: Lunch (1 page)	07/17/1996	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[7/3/1996 - 7/17/1996]

2009-1006-F
ke696

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer M. O'Connor (OCONNOR_J) (WHO)

CREATION DATE/TIME: 3-JUL-1996 12:03:08.86

SUBJECT: TEAM Act memo

TO: John Hilley (HILLEY_J) Autoforward to: Elisa M. Mills

READ: 3-JUL-1996 12:06:06.21

TO: John C. Angell (ANGELL_J) (WHO)

READ: 3-JUL-1996 16:13:59.47

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber

READ: 3-JUL-1996 13:08:34.64

TO: Tracey E. Thornton (THORNTON_T) (WHO)

READ: 3-JUL-1996 12:03:55.72

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-JUL-1996 12:25:42.69

CC: Elisa M. Millsap (MILLSAP_E) (WHO)

READ: 3-JUL-1996 12:06:06.21

CC: John O. Sutton (SUTTON_J) (WHO)

READ: 3-JUL-1996 12:04:43.15

CC: Jason S. Goldberg (GOLDBERG_JS) (OPD)

READ: 3-JUL-1996 12:03:56.67

TEXT:

Here is a new version of the TEAM Act memo, which now incorporates John Hilley's comments too. At this point it now has comments from Hilley, Angell and Sperling. Please let me know by 5pm if any more changes are needed. At that point, I will hand it off to Harold.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 3-JUL-1996 12:01:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Jennifer M. O'Connor

TEXT:

WPCa

2IBETZE#|P)

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X
-U1)XxContinue to express support for labormanagement cooperation without explicitly endorsing changes to current law.(#

Xy-□

Xb-XxThe President strongly supports labormanagement cooperation. (#

XK-XxThe President has been able to visit with and applaud many companies engaged in labormanagement partnerships because they are currently legal. The law currently allows all labormanagement partnerships except the very few we think should appropriately be illegal those where the labormanagement committee is infringing on the collective bargaining process and on employees' rights to independent representation. (#

X-XxThe TEAM Act is the wrong approach because it doesn't clarify this law rather it undermines the sixty year tradition of collective bargaining in this country and undermines employees' right to democratically elect their own representatives. (#

Xe-□2)xEndorse the Democratic alternative.□

XN-

X7-□3)xInvoke some of the Dunlop Commission recommendations as evidence that a variety of changes to current labor law might need some review. (#

X -□

X-□4)xEndorse principles for an alternative bill, without endorsing an alternative bill.□

X-"0*0*0*"□The TEAM Act is scheduled to come up in the Senate for debate on July 9 and a vote on July 10. Senators Daschle and Kennedy have developed a strategy in which Democrats vote for an alternative to the TEAM Act and then vote against the TEAM Act, giving the President a margin to sustain a veto of the TEAM Act. The White House, Department of Labor, congressional staffs and the AFLCIO have worked together on the alternative. Daschle's and Kennedy's staffs believe most moderate Democrats are supportive of this alternative and the strategy. The AFLCIO is not publicly supportive of the alternative bill, and some affiliate unions are actively lobbying Senators to vote against it because they believe any change to current law could make it harder for them to organize new workplaces. Below is a description of the alternative bill and options for a public strategy for the President on this issue.

X

-The Alternative Bill

The alternative bill aims to codify current case law and thus to "clarify" which labor

X

-management cooperation arrangements are legal. It states that employers may :

Xx1) Engage in discussions with employees as a group or individually to discuss any issue of mutual concern; (#

Xx2) Assign employees to work teams and discuss issues related to the work responsibilities of the team; these teams may discuss work conditions occasionally; (#

Xx3) Set up quality circles and productivity teams to discuss such issues as improving productivity and quality of products, methods of work organization, sales; these teams may discuss work conditions occasionally; (#

Xx4) Set up independent labormanagement committees to discuss work conditions, but not to negotiate collective bargaining agreements; the employees must be able to select their own representatives to the committee through a democratic voting process, and employees must be able to choose whether or not to participate in the committees. (#

The alternative also provides that an employer may not establish a work unit or committee while a petition for a union election is pending before the NLRB. If, after the establishment of a labormanagement committee, a union seeks to organize the employees, the union will be given the same rights of access to the employees as the labormanagement committee. The alternative's rules would apply only to nonunionized workplaces.

This alternative is quite different from the TEAM Act. The TEAM Act permits employers to establish and control any type of employee organization that addresses any matter, including working conditions, and permits the employer to select the employee representatives for the committees and to discipline employees who do not participate in or refuse to participate in the committees. It would apply even in unionized workplaces. It thus goes beyond clarifying the current law and

instead changes it to permit company domination of employee organizations, X{(-even in workplaces in which the employees have elected a union.

X(-"(0*0*0*'"

X-Public Strategy for the President

X-

The President and Vice President have stated on several occasions since February, 1995, that

the President would veto the TEAM Act, attempts to "weaken" 8(a)

(2) of the NLRA and

attempts to "create company dominated unions." The State

ment of Administration Policy for

the TEAM Act in the House said that Secretary R

each would recommend a veto. Thus there

is no question in the minds of Democra

tic Senators and various constituents that the President

would veto the TEAM Act

t. What hasn't been clarified, however, is whether the President

would endorse

any changes whatsoever in 8(a)(2).

A threshold issue is what degree of prominence this issue will be given. On the one hand,

there may never be any push for the President to endorse changes to current law. Democratic

Senators are currently comfortable with the alternative

bill strategy and are not asking for

public presidential support for the alternative bill. The labor community does not want the

President to endorse the

alternative bill because they feel such support would provide

momentum to attempt

to change 8(a)(2) and upset the delicate balance they have achieved

with the

alternative bill legislative strategy. To endorse any changes to 8(a)(2) will

likely

seriously harm our relationship with this constituency. The TEAM Act

coalition of

businesses will not appreciate presidential support for an alternative because

they want him to

sign the TEAM Act and will be angry when he vetoes it, no matter

what he says.

On the other hand, if this issue takes on a larger symbolic prominence in the public debate

next week, we will be hard pressed to explain why the President is

not supporting an

alternative bill supported by 202 Democratic House Members.

Depending on the tenor of the public debate, there are four options for the President. All but

the first will probably seriously damage our relationship with

labor constituents.

X[-□1)XxContinue to express support for labor management cooperation without explicitly

endorsing changes to current law. (#

XN-□

An Administration position would have the following components:

X -[The President strongly supports labormanagement cooperation.] Increased participation by employees in decisionmaking is one of the key ingredients in the recipe for creating high performance workplaces. For American to be globally competitive in the 21st century, employees and management must work in partnership. Employees must recognize their stake in the company and employers must value their employees. Labormanagement cooperation can improve productivity, encourage innovation and increase employee satisfaction.

Xh\$-[The President has been able to visit with and applaud many companies engaged in labormanagement partnerships because they are currently legal.] According to the legislative findings in the TEAM Act, there are more than 30,000 employee involvement plans up and running today. A recent study by the Labor Policy Association suggested that 96% of large employers have employee involvement programs. Under current law, employers who want to know about a particular working condition or idea for change can ask their employees individually, in groups or in a committee. Employers can invite employee suggestions, ideas, comments and criticisms, share information with employees or brainstorm with the employees. Employers can set up quality circles or other teams to discuss how to improve quality, efficiency and productivity. They can set up troubleshooting committees to deal with workplace safety and other issues. Because all of these kinds of partnerships are legal, there are only an average of three companies per year who are ordered by the NLRB to disband committees which violate 8(a)(2).

[This compares to roughly 10,000 cases per year in which an employer is found by the NLRB to have unlawfully discharged an employee for supporting a union.]

The law currently allows all labormanagement partnerships except the very few we think should appropriately be illegal those where the labormanagement committee is

X -infringing on the collective bargaining process and on employees' rights to independent representation.

X-[The TEAM Act is the wrong approach.] The only thing the TEAM Act changes about

X]-current law is it opens the door for the small number of illmotivated companies that want to

X
-keep their employees from electing their own representatives.

O <#C\ P6Q/P#] This idea could be expanded upon by also arguing that if any

clarification to 8(a)(2) is needed, the NLRB is the appropriate body to clarify the law. We would argue that for 60 years, the NLRB has developed case law which has maintained a careful balance of employer and employee interests. There are several cases currently pending before the NLRB which concern employee involvement programs. We should allow the administrative agency charged with interpreting the NLRA to issue those decisions and issue any clarifications of 8(a)(2) it deems necessary. This argument would have to be crafted so it is not inconsistent with the premise that the current law is adequate. It undermines what has been a traditional principle in this nation since the 1930s that employees ought to be able to democratically elect representatives if they choose to. Allowing companies to prevent their employees from electing representatives is the opposite of the corporate responsibility principles championed by the President.

X4-

X-Pros

X-

X-XxMakes a strong case for employee involvement without upsetting the congressional strategy in the Senate. (#

X-Cons

X|-XxSome in the business community argue clarification is needed and this position does not address that concern. (#

X7-XxCould be viewed as giving in to labor constituents. (#

X -XxDoesn't provide an answer to why the President is not supporting a bill at 202 Democrats voted for in the House. (#

X -□" 0*0*0*"L

X-2)xEndorse the Democratic alternative

X-L

An Administration position would have the same components as option 1) above, with the addition of the following component:□□

X-□If some people think clarification is needed, the Democrats in the Senate have the right

Xv-kind of approach. The Administration believes that labor management participation is legal and is flourishing. But we are sympathetic if some businesses feel the law is not clear enough for them. Senate Democrats have introduced a balanced bill that spells out clearly for employers what kinds of labor management partnerships are allowed under the current law. It also goes further allowing employers to establish committees that can talk to employees about their wages, benefits and other conditions of work but only if the employees are able to freely and democratically elect their representatives and only if there are protections so employers can't use these committees to prevent their employees from forming unions.

X
-Pros

Xy-XxEnables the President to point to a legislative proposal he supports instead of the TEAM Act. (#

X4-Cons

X-

X-XxBusinesses will not view support of the alternative as a positive step because of the provisions for democratic elections of labor management committees and the provision allowing union representatives to have the same access to the premises as labor management committee members. (#

X-XxLabor constituents will be furious. They believe there are scores of problems in the labor laws that need to be fixed (such as 10,000 cases each year where an employer is found guilty of illegally discharging an employee due to the employee's support of a union). Because only 3 employers a year are ordered to disband labor management committees, they see the 8(a)(2) issue as a tiny problem relevant only to the small number of employers who want to break a union or prevent its formation. In the scope of labor management problems, they would view a fix to this particular problem as a one-sided gift to business with no corresponding provision for labor. (#

X -XxWould likely upset the congressional strategy in the Senate by encouraging moderate Democrats to try to find a deal that the President could sign. This

would cause labor unions to lobby against the Democrats who would vote for the deal, and would split Democrats. Could result in a bill the President could sign, which would anger labor even more. (#

X:&-3)XxInvoke some of the Dunlop Commission recommendations as evidence that a variety of changes to current labor law might need some review. (#

X(-
An Administration position would have the same components as option 1) above, with the"(0*0*0*'"
X-addition of the following component:()

X- Maybe this and some other aspects of labor law need to be reviewed.
MX

MX
While the
X-Administration believes the law allows employee participation, some businesses have said it is unclear just what is allowed under current law. We're sympathetic because businesses should be encouraged to participate in these valuable committees. The Dunlop Commission suggested there might be ways to make this law clearer but it said that if the law against company unions were changed all by itself, without addressing other areas of labor law as well, that labor management cooperation would get worse, not better. If the TEAM Act were a balanced bill that addressed business' concerns about clarification, and employee concerns as well, then the Administration would be for it.

X
-Pros

X- XxEnables the President to state that he supports the kinds of clarifying changes that businesses say they need without putting the Administration on the record in support of a particular bill. (#

Xb-XxNeutralizes a potential charge that the Administration is not willing to help struggling businesses with a simple fix. (#

X-Cons

X-XxCould upset the congressional balance in the Senate. At present, Democrats

are comfortable voting so that the alternative bill fails and the TEAM Act passes and is vetoed. A signal from the President that he would sign a bill if it were the right bill could generate an effort to shift that strategy. (#

X|-XxCould generate expectations that the Administration would introduce comprehensive labor law reform in the second term. (#

X7-XxDoesn't address the true concerns of the businesses that wrote to the President. The Dunlop Commission recommended that changes to 8(a)(2) be coupled with changes to other aspects of labor law that are pro-labor. In saying the administration will revisit the Dunlop Commission report, the administration would be saying pro-business reforms need to be coupled with pro-labor reforms. (#

X!-XxWill anger labor constituents. They did not like the Dunlop Commission's approach to 8(a)(2) because it recommended clarification. They believe that any change to 8(a)(2) could make it harder to organize new workplaces. (#

XQ%-XxOpens door to question of which legislative changes we would approve of. (#

X#'-XxDoesn't adequately answer question of why we can't change 8(a)(2) by itself and fix the other problems at a later date. (#
"(0*0*0*"

X-[]xEndorse principles for an alternative bill, without endorsing an alternative bill.[]

X-
An administration position would have the same components as option 1) above, with the
X-addition of the following component:[]

X-[]If clarification is needed, then the Administration would be for reasonable clarifications.[]

The administration believes that labor-management participation is legal and is flourishing.

But we are sympathetic if some businesses feel the law is not clear enough for them. The

Administration believes it is possible to clarify the law without upsetting the delicate balance between labor and

management built up over the 60 year history of the NLRB. We know that work teams

and quality circles and productivity teams are all legal under current cas

e law

that can be spelled out so that small businesses that can't afford to hire in house counsel can easily see what kinds of activities are legal and which are not. Employers should be able to talk to their employees, as they do today, about virtually anything so long as they do not dominate a work committee that deals with them on working conditions. If employers want to discuss working conditions with employees, there is a simple answer employees ought to be able to democratically elect representatives who can discuss these matters with the employer. And there must be protections so employers can't use these committees to prevent their employees from forming unions.

XK-

X4-Pros

X-XxEnables the President to point to principles he supports instead of the TEAM Act. (#

X-Cons

X-

X-XxSame as 2) above. (#===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer M. O'Connor (OCONNOR_J) (WHO)

CREATION DATE/TIME: 3-JUL-1996 21:27:25.72

SUBJECT: Final version

TO: John C. Angell (ANGELL_J) (WHO)

READ: 8-JUL-1996 17:20:52.92

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber

READ: 5-JUL-1996 10:14:26.53

TO: John Hilley (HILLEY_J) Autoforward to: Elisa M. Mills

READ: 8-JUL-1996 08:00:43.49

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 8-JUL-1996 08:33:26.87

CC: John O. Sutton (SUTTON_J) (WHO)

READ: 5-JUL-1996 08:57:16.14

CC: Elisa M. Millsap (MILLSAP_E) (WHO)

READ: 8-JUL-1996 08:00:43.49

CC: Jason S. Goldberg (GOLDBERG_JS) (OPD)

READ: NOT READ

TEXT:

Attached is the final version of the TEAM Act memo.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 3-JUL-1996 21:26:00.00

ATT BODYPART TYPE: p

ATT CREATOR: Jennifer M. O'Connor

TEXT:

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Leanne Johnson (JOHNSON_L) (WHO)

CREATION DATE/TIME: 8-JUL-1996 15:46:55.57

SUBJECT: TEAM Act letters

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 8-JUL-1996 16:44:26.09

TEXT:

Hi Elena,

You told me I should contact you about language for these letters today. Any word?

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Kathleen M. Whalen (WHALEN_K) (WHO)

CREATION DATE/TIME: 8-JUL-1996 21:04:34.55

SUBJECT: help

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 9-JUL-1996 08:30:55.34

TEXT:

If you were serious about picking up something, I have an issue that you could take off my hands in large part. It involves the creation of a Presidential Emergency Board for a railroad dispute. Please give me a call. Thanks.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kathleen Whalen to Elena Kagan Subject: interns (1 page)	07/09/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
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WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[7/3/1996 - 7/17/1996]

2009-1006-F
ke696

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)

CREATION DATE/TIME:10-JUL-1996 10:29:32.87

SUBJECT: meeting on friday

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:10-JUL-1996 19:02:59.97

TEXT:

Our 10 am meeting on Friday will be at 1801 L St., 10th floor. I assume we can walk over at about 9:45, after the staff meeting.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Leanne Johnson (JOHNSON_L) (WHO)

CREATION DATE/TIME:10-JUL-1996 11:04:38.64

SUBJECT: TEAM ACT

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:10-JUL-1996 19:03:17.90

TEXT:

Hi Elena,

You asked me to get back to you today on this issue. Yesterday, I received the SAP on S.295 and I did a draft based on this language. It is almost verbatim the SAP language. Let me know what you advise. Thanks.

Thank you for writing to me about S. 295, the Teamwork for Employees and Managers Act.

My Administration supports workplace flexibility and high-performance workplace practices that promote cooperative labor-management relations. As you know, the National Labor Relations Act currently permits the creation of employee involvement programs that address workplace quality, productivity, and efficiency with appropriate employee protections.

We believe that S. 295 would undermine these protections. The bill would allow employers to establish company unions where no union currently exists, and alternative, company-dominated unions where employees are in the process of determining whether to be represented by a labor organization. These company-dominated unions would undermine a 60-year tradition of collective bargaining in this country and could undermine employees' rights to elect their own representatives.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: John C. Angell (ANGELL_J) (WHO)

CREATION DATE/TIME:10-JUL-1996 18:28:31.33

SUBJECT: Thanks.

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:10-JUL-1996 19:04:20.70

TEXT:

Thanks for the draft letter.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Odetta S. Walker (WALKER_O) (WHO)

CREATION DATE/TIME:10-JUL-1996 19:06:03.07

SUBJECT: Interview w/Michael Small

TO: Cheryl D. Mills (MILLS_C) (WHO)

READ:10-JUL-1996 19:33:31.68

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-JUL-1996 08:42:35.51

TEXT:

Michael Small will be here interviewing w/Jack at 4:30 tomorrow.

Can you both be available to interview him after Jack?

Thank you.

Odetta

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Peter Jacoby (JACOBY_P) (WHO)

CREATION DATE/TIME:11-JUL-1996 13:16:12.82

SUBJECT: Partial Birth Abortion Meeting

TO: Marilyn Yager (YAGER_M) (WHO)

READ:11-JUL-1996 14:10:44.43

TO: Todd Stern (STERN_T) (WHO)

READ:11-JUL-1996 13:23:03.79

TO: Betsy Myers (MYERS_B) (WHO)

READ:11-JUL-1996 13:28:15.82

TO: Jeremy D. Benami (BENAMI_J) (WHO)

READ:11-JUL-1996 15:04:46.52

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-JUL-1996 14:17:11.33

TO: Tracey E. Thornton (THORNTON_T) (WHO)

READ:11-JUL-1996 13:21:29.25

CC: Elisa M. Millsap (MILLSAP_E) (WHO)

READ:11-JUL-1996 14:44:22.31

CC: Janet Murguia (MURGUIA_J) Autoforward to: Annette E. Jo

READ:11-JUL-1996 13:19:12.77

TEXT:

Andrea Camp with Cong. Schroeder has asked if we could meet with her on Friday at 11 am in 2315 RHOB to discuss the pending override vote on the Partial Birth Abortion legislation. She has also invited a number of other House and Senate staff as well as several representatives from outside groups. The primary purpose of the meeting is to discuss the strength of support for the President's position and additional activity to enhance that support. Please let me know if you will be able to attend. Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME:11-JUL-1996 16:12:55.78

SUBJECT: lerach/prod liab letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-JUL-1996 16:24:25.66

TEXT:

Elena--

I'm wondering if you've had a chance to consider how we could better respond to William Lerach's letter to the President regarding product liability and the Ford Motor recall, which I faxed to you yesterday. Jim Dorskind is very interested in answering this letter as soon as possible.

thanks,

Jeff

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: M. Jill Gibbons (GIBBONS_M) (OMB)

CREATION DATE/TIME:12-JUL-1996 09:23:32.75

SUBJECT: OGE letter on HR3452

TO: Nelson W. Cunningham (CUNNINGHAM_N) (OA)
READ:12-JUL-1996 09:37:10.57

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:12-JUL-1996 10:04:02.64

TO: Elena Kagan (KAGAN_E) (WHO)
READ:12-JUL-1996 12:54:27.09

TO: Peter Jacoby (JACOBY_P) (WHO)
READ:12-JUL-1996 10:15:42.99

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:12-JUL-1996 10:24:10.59

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:12-JUL-1996 09:23:42.13

TO: Raymond P. Kogut (KOGUT_R) (OMB)
READ:12-JUL-1996 13:33:34.12

TO: Douglas D. McCormick (MCCORMICK_D) (OMB)
READ:12-JUL-1996 09:41:35.38

TO: Thomas S. Lewis (LEWIS_TS) (OMB)
READ:12-JUL-1996 10:25:09.32

TO: Marcia D. Occomy (OCCOMY_M) (OMB)
READ:12-JUL-1996 11:20:04.49

TEXT:

This is a reminder to please have comments by 10:00 today on the OGE letter proposing amendments to H.R. 3452, the Presidential and Executive Office Accountability Act. The bill is scheduled for markup early next week and OGE would like to send the letter as soon as possible. Thanks

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME:12-JUL-1996 09:34:08.46

SUBJECT: Nonjudicial foreclosure issue appears moot

TO: Thomas P. Stack (STACK_T) (OMB)

READ:12-JUL-1996 11:14:01.77

TO: Elena Kagan (KAGAN_E) (WHO)

READ:12-JUL-1996 12:54:44.65

TO: Robert G. Damus (DAMUS_R) (OMB)

READ:12-JUL-1996 10:03:39.64

TO: Rosalyn J. Rettman (RETTMAN_R) (OMB)

READ:12-JUL-1996 10:05:49.06

TO: Louisa Koch (KOCH_L) (OMB)

READ:12-JUL-1996 11:35:52.68

TO: Peter O. Davis (DAVIS_PO) (OMB)

READ:19-JUL-1996 18:46:38.74

TO: Edward Brigham (BRIGHAM_E) (OMB)

READ:12-JUL-1996 09:41:02.24

TO: James J. Jukes (JUKES_J) (OMB)

READ:12-JUL-1996 09:34:35.17

TEXT:

I have referred a proposed SBA report on H.R. 3719 to you which includes an extensive discussion of how an SBA-specific non-judicial foreclosure provision could be improved. An incomplete markup of the bill occurred this week (it is to be completed next week), during which the non-judicial foreclosure provision was dropped from the bill. Since it is no longer a live item, I will ask SBA to delete the discussion from its report. There appears to be a larger misunderstanding/disagreement, however, regarding whether agencies are permitted to seek agency-specific relief on this issue. Justice is firmly opposed to this course. If we have a policy decision on this, one way or another, it needs to be communicated to Justice and other involved agencies.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	David Fein to Jack Quinn et al. re: Contact information (2 pages)	07/12/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[7/3/1996 - 7/17/1996]

2009-1006-F
ke696

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Annette E. Johnson (JOHNSON_AE) (WHO)

CREATION DATE/TIME:12-JUL-1996 13:38:05.60

SUBJECT: 4 pm Meeting in 472 OEOb

TO: Michael Waldman (WALDMAN_M) (WHO)
READ:12-JUL-1996 14:04:56.01

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:12-JUL-1996 15:27:16.01

TO: James S. Rubin (RUBIN_J) (WHO)
READ:15-JUL-1996 09:07:19.89

TO: James Weber (WEBER_J) (WHO)
READ:12-JUL-1996 14:25:21.35

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:12-JUL-1996 13:39:40.98

TO: Elena Kagan (KAGAN_E) (WHO)
READ:12-JUL-1996 14:51:06.94

TO: M. Jill Gibbons (GIBBONS_M) (OMB)
READ:12-JUL-1996 13:50:18.94

TO: William Curry (CURRY_W) (WHO)
READ:13-JUL-1996 13:49:44.58

CC: Peter Jacoby (JACOBY_P) (WHO)
READ:NOT READ

TEXT:

There will be a 4 p.m. meeting with Peter Jacoby today, 7/12 in 472 Oeob regarding Campaign Finance Reform. Thank you.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:12-JUL-1996 14:53:03.36

SUBJECT: PAGER CONFIRMATION - FEIN,DAVID

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:12-JUL-1996 16:47:59.13

TEXT:

PAGE FOR FEIN,DAVID, WAS TRANSMITTED 12-JUL-1996 14:51:50.63

TEXT TRANSMITTED WAS:

PLEASE CALL ELENA 67594

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ronald E. Jones (JONES_RE) (OMB)

CREATION DATE/TIME:15-JUL-1996 09:15:58.37

SUBJECT: SAP on HR 3166, Gov't Accountability Act

TO: Elena Kagan (KAGAN_E) (WHO)

READ:15-JUL-1996 11:21:04.82

TO: Stephen C. Warnath (WARNATH_S) (OPD)

READ:15-JUL-1996 12:11:57.80

TO: Dennis Burke (BURKE_D) (OPD)

READ:15-JUL-1996 09:31:30.17

TO: Robert G. Damus (DAMUS_R) (OMB)

READ:NOT READ

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)

READ:15-JUL-1996 10:35:15.18

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

READ:15-JUL-1996 13:28:16.26

TO: Peter Jacoby (JACOBY_P) (WHO)

READ:15-JUL-1996 10:38:12.77

TO: David J. Haun (HAUN_D) (OMB)

READ:15-JUL-1996 09:16:57.66

TO: John E. Thompson (THOMPSON_J) (OMB)

READ:22-JUL-1996 09:16:19.70

TO: Harry G. Meyers (MEYERS_H) (OMB)

READ:15-JUL-1996 10:52:10.92

TO: Mark J. Schwartz (SCHWARTZ_M) (OMB)

READ:15-JUL-1996 09:17:56.40

TO: Ellen J. Balis (BALIS_E) (OMB)

READ:15-JUL-1996 09:19:01.49

TEXT:

PRINTER FONT 12_POINT_ROMAN

Unless I hear otherwise by noon today, July 16, 1996, I will assume you have no objection to the proposed SAP on H.R. 3166, the Government Accountability Act, (LRM

□

-4991, dated 7/12), which expressed the Administration's support for House passage of the bill.

If you need another copy of the LRM, intend to comment but need more time, or have provided comments that I may have overlooked, please let me know by answering this fax/E

□

-mail.

Thanks,

Ron Jones
395
-
-3386

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME:15-JUL-1996 11:40:23.12

SUBJECT: lerach draft

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:15-JUL-1996 13:25:06.08

TEXT:

Elena--

thanks for sending me your advice for the Lerach letter. Here's my draft:

Thank you very much for your letter regarding the Ford Motor recall and the Product Liability Legal Reform Act of 1996. It's good to know your thoughts on this important issue.

I agree that tort law plays an important role in the protection of consumers and the safety of commercial products. At the same time, however, I believe our legal system needs reform, and I have repeatedly urged Congress to pass limited, meaningful product liability measures. The product liability bill Congress sent to me would have unduly interfered with state authority and tilted the legal playing field against consumers, and, consequently,

I vetoed this legislation on May 2.

As always, I'm deeply grateful for your involvement and hope to see you soon.

###

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Tracy F. Sisser (SISSER_T) (WHO)

CREATION DATE/TIME:15-JUL-1996 14:55:12.03

SUBJECT: Question on securities litigation form letter

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:15-JUL-1996 16:17:19.25

TEXT:

The form letter you corrected and updated is now going through our editing process. One of my editors is concerned that the highlighted phrase of the following sentence is too technical for the general public (this form letter is not for CEOs or heads of organizations).

"However, as I said in my veto message, I supported the need for reform to end frivolous lawsuits and to ensure that investors receive the best possible information by reducing the litigation risk to companies making-forward looking statements."

Is there any way to simplify this statement without losing its intent?

Thanks again for your help.

Tracy Sisser

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:15-JUL-1996 16:59:47.46

SUBJECT: meeting agenda

TO: Thomas C. Jensen (JENSEN_T) (CEQ)

READ:15-JUL-1996 17:05:53.33

TO: FAX (9-720-4732, Jim Lyons) (TLXA1MAIL_\F:9-720-4732\C: Jim Lyons\\)

READ:NOT READ

TO: FAX (9-482-6318, Doug Hall) (TLXA1MAIL_\F:9-482-6318\C: Doug Hall\\)

READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K)

READ:NOT READ

TO: Ron Cogswell (COGSWELL_R) (OMB)

READ:15-JUL-1996 17:16:16.10

TO: Mark A. Weatherly (WEATHERLY_M) (OMB)

READ:15-JUL-1996 18:39:39.86

TO: Christine L. Nolin (NOLIN_CL) (OMB)

READ:15-JUL-1996 16:56:24.63

TO: Elena Kagan (KAGAN_E) (WHO)

READ:15-JUL-1996 17:33:34.65

TO: Martha Foley (FOLEY_M) (WHO)

READ:15-JUL-1996 17:10:40.34

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ:15-JUL-1996 18:09:51.67

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)

READ:15-JUL-1996 19:36:13.39

TO: Remote Addressee (TLXA1MAIL_\F:97205437\C:Anne Kennedy\\)

READ:NOT READ

TO: FAX (94821041,Bob Ziobro) (TLXA1MAIL_\F:94821041\C:Bob Ziobro\\)

READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:97204732\C:Mark Gaede\\)

READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:92085242\C:Nancy Hayes\\)

READ:NOT READ

TO: FAX (92191792,Kris Clark) (TLXA1MAIL_\F:92191792\C:Kris Clark\\)

READ:NOT READ

TO: FAX (96902730,Mike Gippert) (TLXA1MAIL_\F:96902730\C:Mike Gippert\\)

READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:95140557\C:Peter Coppelman\\)

READ:NOT READ

TO: Ruth D. Saunders (SAUNDERS_R) (OMB)
READ:22-JUL-1996 11:02:35.84

TO: Remote Addressee (TLXA1MAIL_\F:915033266254\C:Tom Tuchman\\)
READ:NOT READ

TO: FAX (92083877,Bob Baum) (TLXA1MAIL_\F:92083877\C:Bob Baum\\)
READ:NOT READ

TO: FAX (95640070,Richard Sanderson) (TLXA1MAIL_\F:95640070\C:Richard Sanderson)
READ:NOT READ

TO: FAX (9-208-6916,Gerry Jackson) (TLXA1MAIL_\F:9-208-6916\C:Gerry Jackson\\)
READ:NOT READ

TEXT:

There will be a regular meeting of the interagency/EOP forest working group this Tuesday, July 16th, at 2:00 p.m. at the CEQ townhouse at 722 Jackson Place.

The agenda will include:

1. Current events
2. Litigation issues, including
 - high bidder sales
 - response to Hogan's order on Section 2001(k) (3)
 - Klamath tribes case
3. New information issue
4. Salvage program
 - salvage directive (results to date)
 - interagency salvage program review
5. Other business

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Peter Jacoby (JACOBY_P) (WHO)

CREATION DATE/TIME:15-JUL-1996 17:52:03.34

SUBJECT: Smith-Meehan CFR Letter

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-JUL-1996 18:41:20.56

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:16-JUL-1996 09:13:20.24

TO: Michael Waldman (WALDMAN_M) (WHO)
READ:15-JUL-1996 18:41:49.39

TO: James Weber (WEBER_J) (WHO)
READ:15-JUL-1996 18:11:40.66

TO: M. Jill Gibbons (GIBBONS_M) (OMB)
READ:15-JUL-1996 17:52:35.40

TEXT:

July 18, 1996

Dear Speaker Gingrich:

Just over a year ago, I shook hands with you and publicly affirmed my commitment to reforming the nation's campaign finance laws. Now I call on the House of Representatives to send me legislation that will address the American public's desire for real change in our political process, and in so doing renew our democracy and strengthen our country. I support the comprehensive, bipartisan legislation crafted by Congresswoman Smith, Congressman Meehan and Congressman Shays and I strongly believe that the House should be able to consider this legislation when it addresses campaign finance reform later this week. In particular, I approve of several reforms such as placing limits on spending, curbing PAC and lobbyist influence, discounting the cost of broadcast time, and reforming the soft money system.

Organized interests have too much power in the halls of government. Oftentimes, representatives from such interest groups operate without accountability and are granted special privileges that ordinary Americans don't even know exist. In addition, elections that represent an opportunity in which ordinary voters should have the loudest voice have become so expensive that these voices are sometimes drowned out by big money.

Let us capitalize on the progress made in the last three years. In 1993, we repealed the tax

loophole that allowed lobbyists to deduct the cost of their activities. In 1994, I signed a law that applies to Congress the same laws it imposes on the general public. Last year, Congress answered my call to stop taking gifts, meals, and trips from lobbyists, and I signed the Lobbying Disclosure Act into law. We now have an opportunity to finish the job by addressing campaign finance reform.

The Honorable Newt Gingrich
Page Two

As we work to reform campaign finance, we must do everything in our power to ensure that we open, not limit, the political process. Our goal is to take the reins of our democracy away from big special interests, from big money, and to return them to the hands of those who deserve them -- ordinary Americans. Real reform is now achievable. I urge the House to pass sensible, comprehensive bipartisan campaign finance reform legislation and give the American people something we can all be proud of.

Sincerely,

The Honorable Newt Gingrich
The Speaker
United States House of Representatives
Washington, D.C. 20515

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer M. O'Connor (OCONNOR_J) (WHO)

CREATION DATE/TIME:15-JUL-1996 21:38:36.70

SUBJECT: TEAM Act cover memo

TO: John C. Angell (ANGELL_J) (WHO)

READ:16-JUL-1996 11:02:49.77

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber

READ:16-JUL-1996 08:28:33.01

TO: John Hilley (HILLEY_J) Autoforward to: Elisa M. Mills

READ:16-JUL-1996 08:00:57.54

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-JUL-1996 08:55:13.59

TO: Tracey E. Thornton (THORNTON_T) (WHO)

READ:NOT READ

CC: Elisa M. Millsap (MILLSAP_E) (WHO)

READ:16-JUL-1996 08:00:57.54

CC: Jason S. Goldberg (GOLDBERG_JS) (OPD)

READ:NOT READ

TEXT:

The attached is a draft cover memo to the draft TEAM Act letter to CEOs. It aims to explain to the President why he is getting the version that doesn't endorse legislative amendments of the NLRA. Please get me your comments as soon as you can. Also -- who is it from? Leon? The bunch of us? Also -- should it indicate who on the staff is where on these issues?

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE:15-JUL-1996 21:34:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Jennifer M. O'Connor

TEXT:

PRINTER FONT 12_POINT_ROMAN

July 15, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: ??

SUBJECT: TEAM ACT LETTER TO CEOS

Attached is a draft letter responding to 634 CEOs who wrote to ask you not to veto the TEAM Act. This draft is consistent with the legislative strategy that was successful during both the House and Senate consideration of the TEAM Act. When the Senate voted last Wednesday, all Senate Democrats but two (Hollings and

Nunn) voted against the TEAM Act, and Senator Ben Nighthorse Campbell joined the Democrats voting "no." The letter articulates the message that was successful in Congress, and was articulated in the Statement of Administration Policy: 1) the Administration strongly supports labor

□

-management

partnerships; 2) labor management partnerships are flourishing under current law; 3) the TEAM Act wouldn't increase or strengthen these partnerships but instead would undermine the collective bargaining system. It also points out that the NLRB will independently continue to clarify the law in this area. It does not endorse any legislation to change current law.

Pros:

? Makes a strong statement in favor of labor

□

-management

partnerships and your consistent support of them.

? Will not cause unintended consequences in the Congress. Constituents who are most concerned about the TEAM Act fear that if you make a positive statement about changes to 78(a)(2) of the National Labor Relations Act, you will generate renewed interest in finding a legislative compromise that you could sign. They point out that the alternative Democratic bills have not generated any media stories suggesting that Democrats want to amend 78(a)(2). But they fear that presidential support for changes to 78(a)(2) is a different matter and will create momentum that will lead to actual changes in the law. They believe that any changes to

78(a)(2) risk making it more difficult for employees to organize new workplaces; and so they believe any such changes are tantamount to an assault on the right of employees to organize unions.

As an immediate matter, the House has yet to vote on the Senate version of the TEAM Act. Any positive presidential statements about amending the law prior to that vote could potentially lead to the same problems outlined above.

? Maintains a balanced approach to labor policy. While the NLRB estimates that an average of three businesses per year are ordered to disband labor

□

-management committees due to

violations of 8(a)(2), it estimates that XX thousand businesses are found guilty each year of illegally firing employees because they support unions. It would appear unbalanced to address the business community's concerns without also addressing related employee/union concerns which also undermine cooperation in the workplace.

? Will not generate criticism from the labor movement. The AFL

□

-CIO views this issue a threat to employees' ability to organize -- the very essence of the labor movement. Their sentiments on this issue are even more intense than their sentiments about NAFTA.

Cons:

? If this issue takes on a larger symbolic prominence in the public debate, we will be hard pressed to explain why you

are not supporting an alternative bill supported by 202 Democratic House Members and 37 (check) Democratic Senators.
? Some in the business community argue clarification is needed and this letter addresses that concern merely by noting the NLRB's ability to clarify the law.
? Could be viewed as giving in to labor constituents' demands.

Alternative

The attached letter could also be amended to include a paragraph stating that to the extent some employers are reluctant to use labor

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-management cooperation efforts due to confusion about the law, you would welcome reasonable clarifications to the law, along the lines of the Democratic bill in the Senate. The advantage of this approach is it addresses the problems outlined in the "cons" section above, enabling you to state that you, like the many Democrats who voted for the bill, are in favor of legislative changes that facilitate labor

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-management

partnerships. The disadvantage of this approach is that it negates all but the first "pro" outlined above, potentially leading to unintended congressional results and definitely leading to harsh criticism from supporters.

Options

_____ Letter as drafted

_____ Alternative

Let's discuss

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Charles E. Kieffer (KIEFFER_C) (OMB)

CREATION DATE/TIME:15-JUL-1996 22:22:45.78

SUBJECT: Draft Commerce/Justice/State SAP

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-JUL-1996 08:56:34.56

TO: Jacob J. Lew (LEW_J) (OMB)

READ:16-JUL-1996 08:14:44.04

TO: John Hilley (HILLEY_J) Autoforward to: Elisa M. Mills

READ:16-JUL-1996 08:17:13.43

TO: Martha Foley (FOLEY_M) (WHO)

READ:16-JUL-1996 07:53:06.74

TO: Barbara C. Chow (CHOW_B) (WHO)

READ:16-JUL-1996 08:58:40.92

TO: James T. Heimbach (HEIMBACH_J) (WHO)

READ:NOT READ

TO: Christopher F. Walker (WALKER_C) (WHO)

READ:NOT READ

TO: Stacey L. Rubin (RUBIN_S) (WHO)

READ:22-JUL-1996 12:32:52.98

TO: Elisa M. Millsap (MILLSAP_E) (WHO)

READ:16-JUL-1996 08:17:13.43

TO: Alphonse Maldon (MALDON_A) (WHO)

READ:NOT READ

TO: Ananias Blocker (BLOCKER_A) (WHO)

READ:16-JUL-1996 08:26:25.46

TO: Tom Vellenga (VELLENGA_T) (WHO)

READ:16-JUL-1996 10:32:18.44

TO: Kate P. Donovan (DONOVAN_KP) (OMB)

READ:16-JUL-1996 12:06:09.69

TEXT:

The Rules Committee is taking up the rule for the FY 97 CJS bill Tuesday at 2pm. A draft SAP is attached. It now carries a senior advisers veto threat for the reasons discussed in the SAP.

Elena - please note the FCC language that Joe Minarik discussed with you this evening.

Note that there are many changes from the Committee letter such as the language opposing the Taylor FCC amendment, language opposing restrictions on COPS admin money, a more detailed discussion of the MEP program, slightly different ABM language (cleared by State an, NSC and OLC), opposition to TV Marti termination and Vietnam language and ACDA cuts.

With regard to the Vietnam language, State asked us to put in the

objection. However, the language is identical to the FY 1996 OCRA language and the circumstances have not changed. State wants to reestablish our objection to language. Do you think this is an unnecessary red flag?

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:15-JUL-1996 22:09:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Charles E. Kieffer

TEXT:

WPC

2T□ZB

OHP LaserJet 4 Plus/4M PlusHPCL5EXZ2PXPXZ2PXP,rAZ"Arial RegularXXN\ PXP(@ Z6T
imes New Roman RegularXK2PP,
AZ"Arial RegularXN\ PXP(@ Z6Times New Roman RegularX23|x

#XN\ PXP#`(#A July 15, 1996
`(#A(House Rules)

□*DEPARTMENTS OF COMMERCE, JUSTICE, STATE,

THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1997
□(Sponsors: Livingston (R), Louisiana; Rogers (R), Kentucky)

This Statement of Administration Policy provides the Administration's views on the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Bill, FY 1997, as reported by the House Appropriations Committee. For the reasons discussed below, the President's senior advisers would recommend that the President veto the bill if it were presented to him in its current form.

The Administration strongly objects to the Committee's reductions to critical law enforcement, research and technology, international affairs, legal services, and other programs. Such reductions are unacceptable, and the bill requires significant improvements.

The Administration opposes the provision, discussed in more detail below, included in the bill that would limit the President's ability to negotiate issues and implement agreements related to the ABM Treaty that are important to the national security of the United States. This provision would infringe upon the President's ability to conduct foreign relations and is unacceptable.

Legal Services Corporation

The Administration strongly objects to the Committees funding level of \$141 million for the Legal Services Corporation (LSC). The bill would cut the Corporations funding level by roughly 50 percent from last years level of \$278 million and is almost twothirds below the FY 1995 level. It would provide approximately \$200 million less than the Presidents request of \$340 million. One fourth of LSCs professional staff have already left, over 100 offices have been closed, and thousands of lowincome individuals who would have been assisted have been denied access to the legal system. Further reductions in funding would deprive LSC of the resources it needs to carry out its mission, essentially bankrupting the Corporation and denying the neediest members of our society access to the Nations judicial system.

In addition, the Administration notes that the bill contains many restrictions on the activities of LSC grantees that were contained in the FY 1996 appropriations act. The Administration continues to have serious concerns with these restrictions, particularly the restrictions on the use of funds from nonLSC sources.

□□□Department of Commerce

The Committee cuts funding for the Department of Commerce by \$800 million below the request and \$100 million below the FY 1996 level. These reductions would significantly undermine the effectiveness of programs across the Department. The Administration has grave concerns about the amounts provided for advanced technology and manufacturing extension, described below, as well as additional concerns about the Committees proposed funding levels for other programs, described in the enclosure.

The Committee bill disregards the bipartisan agreement reached last year to maintain the Advanced Technology Program (ATP). The Committee provides inadequate funding to support current commitments and includes language prohibiting new awards as well as applying other restrictions. ATP is a highly competitive, costshared program that fosters technology development, promotes industrial alliances, and creates jobs. The ATP program was created with bipartisan support, which it continues to deserve.

The Committees funding level for the Manufacturing Extension Partnership Program

m

would force the closure of several centers across the country. Large geographic areas and many of our Nations 381,000 smaller manufacturers would be without access to valuable technical assistance. The Department of Commerce estimates that this assistance has produced over \$1 billion in increased sales and cost reductions and over 13,000 jobs. In addition, the Committee has not provided language that would allow Kansas and Michigan centers, which serve five States, to receive funding beyond the current sixyear statutory limit.

The Administration is concerned about the lack of support for key environmental programs. The Presidents request includes increases for South Florida/Everglades Restoration, coastal pollution control, habitat conservation, global change monitoring and modeling, and the Global Learning and Observations to Benefit the Environment (GLOBE) program, none of which are funded by the Committee. In addition, the Committee has cut funding below the FY 1996 enacted level for ocean assessment programs (42percent reduction), marine sanctuary management (15percent reduction), endangered species recovery plans (46percent reduction), and building sustainable fisheries. These actions would undermine NOAA's ability to manage and protect our Nations ocean and coastal resources. Finally, the Administration supports the use of controlled access mechanisms in sustainable fisheries management and is concerned with the bills proposed restrictions on such mechanisms.

While the Committee has provided additional resources to the Census Bureau, the amount provided is less than half of the requested increase. This reduction would seriously impair the ability of the Census Bureau to carry out its constitutional and statutory functions, such as the decennial census, the economic census, the census of governments, and efforts to bring the Nations statistics into the 1990s. The Census Bureau would be forced to choose between equally critical demographic and economic measurement programs that would lead to a more expensive or less accurate Census and to less accurate economic statistics such as the GDP. Failure to provide increases would jeopardize efforts to implement the restructuring of the North American Industry Classification System, which has already been funded by Mexico and Canada.

Department of Justice

The Administration strongly opposes the funding level provided by the Committee for the Community Oriented Policing Services (COPS) program. The Committee mark would provide \$1.4 billion for COPS but would earmark over \$150 million for nonhiring initiatives. The Administration continues to believe that the Presidents request of \$1.9 billion is the appropriate funding level for the COPS program. The Administration does not believe that the Committee bill keeps us on course for hiring 100,000 additional police officers by the year 2000. Even the Committees own Conference Report accompanying the FY 1996 Omnibus Appropriations Act indicated that a level of approximately \$1.4 billion would be required to meet the goal of hiring 100,000 police officers. The extensive setasides included in the Committee bill would result in inadequate funding for hiring police officers. Further, the bill would freeze staffing levels at the FY 1996 level and not provide for the requested increase in management and administration in order to monitor this important program properly.

The Administration strongly opposes the Committees funding level for the drug courts program. The drug courts program is a proven, costeffective means of using the courts authority to provide sanctions and coerce nonviolent offenders in to drug treatment programs. The Administration believes that the drug courts program should be funded at the \$100 million level requested. The Administration also strongly opposes the Committees termination and underfunding of the Administrations initiative to finance drug tests for Federal and State arrestees, respectively.

Both the COPS and the drug courts programs could be enhanced by eliminating the Committees \$68 million increase over the FY 1996 enacted level for the Local Law Enforcement Block Grant program and the additional \$100 million increase over the Presidents request for Federal prison construction.

The Administration urges the House to strike section 103 of the Committee bill, which would prohibit the Bureau of Prisons from funding abortions except in cases of rape or where the life of the mother is endangered. The Department of Justice believes that there is a great likelihood that this provision would be held unconstitutional.

International Affairs

The Administration strongly opposes the provision included by the Committee that would infringe upon the ability of the Administration to negotiate issues related to the ABM Treaty with Russia and the other new Independent States of the former Soviet Union. The provision would prohibit the use of any funds in this or any other Act for ABM treaty negotiations with the Russians or other States of the former Soviet Union unless the President certifies that any amendments, understandings, or agreements related to the ABM and theater ballistic missiles and antiballistic missiles will be presented to the Senate for their advice and consent. This prohibition would also apply to the use of funds to implement any amendment, agreement, or understanding related to ABM theater missile defense demarcation or multilateralization of the Treaty. The Administration believes that this provision raises serious constitutional concerns. The Constitution commits to the President the authority to determine the manner in which diplomatic communications take place. Congress may not control, through a funding condition, the President's determination to conduct negotiations in a particular forum.

#K2PP#
#XN\ PXP# With regard to funding, the Administration opposes the levels provided by the Committee for the State Department's main operating accounts. In total, these activities are reduced by nearly \$80 million from the President's request. The State Department's ability to modernize its antiquated information management systems and to maintain its overseas facilities in a safe, secure, and efficient manner would be jeopardized at this funding level. Restoration of this cut is necessary to maintain the Nation's foreign affairs infrastructure.

In addition, funding for international organizations and peacekeeping has been cut by over \$260 million from the FY 1997 request, and no funds are provided for the U.S. to participate in international conferences. Although the Administration has worked diligently with some success to promote fiscal discipline and reform at the U.N. and other organizations, there is limited support in this bill for this effort. The Committee's underfunding of our international organizations' assessments will only increase aggregate arrears for these organizations and for assessed peacekeeping operations above the already outstanding amount of \$1 billion. Despite these serious funding problems, the Administration appreciates the Committee's expressed support for U.S. leadership within a reformed United Nations and intends to continue discussions

aimed at modifying the legislation in a manner that will further this shared goal.

The Administration is concerned about the reductions in the U.S. Information Agencies (USIAs) public diplomacy activities. Most importantly, the reduction in Salaries and Expenses and Broadcasting Operations accounts would jeopardize USIA's ability to perform its important role in promoting U.S. interests and understanding abroad. The Administration also strongly opposes the elimination of all funds in the bill for continuing the operation of TV Marti and urges that funding be restored.

The Administration regrets that the Committee has once again included the certification provision related to U.S. Government staffing and operations in Vietnam. This provision remains questionable on constitutional grounds, and it is unnecessary because the Administration will continue to place the highest priority on obtaining cooperation from the Government of Vietnam on remaining POW/MIA issues.

Finally, funding for the Arms Control and Disarmament Agency (ACDA) has been reduced by \$10 million from the FY 1997 request, which would severely impact continuing operations. It would jeopardize ACDA's capabilities to complete negotiations and to implement and support arms control and nonproliferation treaties, conferences, and organizations.

Ounce of Prevention Council

The Committee bill would eliminate funding for the Ounce of Prevention Council.

The President's request of \$9 million would allow the Council to award discretionary grants for various crime and substance abuse prevention programs. Elimination of this program would hinder the needed coordination of crime prevention efforts at the Federal level.

Small Business Administration (SBA) Business Loans

The Administration strongly urges the House to provide adequate funding to support the

Administration's FY 1997 proposed volume of new 7(a) General Business Loans and Guarantees.

The Committee's mark for SBA business loans is \$156 million less than the FY 1997 request of \$316 million, a 49 percent reduction. This funding level would substantially reduce the 7(a) loan program level in FY 1997. In addition, the Committee's mark appears to provide no funding for SBA's 504 loan program.

ogram. Unless legislation is passed that would reduce the cost of this program to zero, this funding level would shut down SBAs 504 loan program.

Federal Communications Commission

The Administration is seriously concerned with the implications of the provision that would prevent the Federal Communications Commission (FCC) from enforcing its equal opportunity policies on religiously affiliated entities. This provision would allow stations to discriminate against employees on the basis of religion.

In addition to the concerns discussed above, the Administration has additional concerns with the bill that were detailed in a July 11th letter to the House Appropriations Committee.===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Tracy F. Sisser (SISSER_T) (WHO)

CREATION DATE/TIME:16-JUL-1996 08:38:49.42

SUBJECT: RE: Question on securities litigation form letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-JUL-1996 08:58:53.51

TEXT:

I apologize, but there is still a question about the language in the general securities litigation reform form letter. Can we say the following:
"...I supported the need for reform to end frivolous lawsuits and to ensure that investors receive the best possible information by reducing the litigation risk to companies publishing statements that make market predictions.

Again, thank you.

Tracy

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME:16-JUL-1996 09:54:02.72

SUBJECT: LRM 5039 -- DOJ Letter on H.R. 2428 -- Emerson Good Samaritan

TO: Kenneth S. Apfel (APFEL_K) (OMB)

READ:16-JUL-1996 10:06:09.68

TO: Mary I. Cassell (CASSELL_M) (OMB)

READ:16-JUL-1996 10:14:42.58

TO: Keith J. Fontenot (FONTENOT_K) (OMB)

READ:16-JUL-1996 14:45:57.23

TO: Barry White (WHITE_B) (OMB)

READ:16-JUL-1996 11:21:55.30

TO: Edwin Lau (LAU_E) (OMB)

READ:16-JUL-1996 14:31:50.32

TO: David J. Haun (HAUN_D) (OMB)

READ:16-JUL-1996 10:04:38.46

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)

READ:18-JUL-1996 14:37:01.37

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

READ:17-JUL-1996 13:00:08.67

TO: Ananias Blocker (BLOCKER_A) (WHO)

READ:16-JUL-1996 13:16:15.80

TO: Laura A. Oliven (OLIVEN_L) (OMB)

READ:16-JUL-1996 10:11:00.87

TO: Wendy A. Taylor (TAYLOR_W) (OMB)

READ:16-JUL-1996 13:26:41.15

TO: James C. Murr (MURR_J) (OMB)

READ:16-JUL-1996 11:02:22.49

TO: Janet R. Forsgren (FORSGREN_J) (OMB)

READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-JUL-1996 10:28:28.46

TO: Robert G. Damus (DAMUS_R) (OMB)

READ:NOT READ

TEXT:

This morning, you should have received LRM 5039 -- a Department of Justice proposed letter to the Seante on H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act. The Department would like its letter to be cleared this afternoon. Please send me your comments by 2 PM today. Thank you.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME:16-JUL-1996 10:11:21.33

SUBJECT: FYI

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:16-JUL-1996 10:29:02.40

TEXT:

Thanks for getting back to me so quickly on the Justice letter on HR 2428.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Tracy F. Sisser (SISSER_T) (WHO)

CREATION DATE/TIME:16-JUL-1996 10:29:37.35

SUBJECT: RE: Question on securities litigation form letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-JUL-1996 10:34:29.97

TEXT:

This letter is for the general public, so we are trying to make it as easy to understand as possible.

In the first draft, my editor thought the phrase "forward-looking statements" was too technical for the regular constituent writing to the President. On the other hand, the phrase,

"...I supported the need for reform to end frivolous lawsuits and to ensure that investors receive the best possible information by reducing the litigation risk to companies making projections" leaves the regular constituent to ask, "making projections about what?" (That is the question I was trying to clarify on the previous email).

Is there any way to clear this up? Thanks again.

Tracy

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Holly Carver (CARVER_H) (WHO)

CREATION DATE/TIME:16-JUL-1996 13:05:57.16

SUBJECT: Welfare Meeting

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:16-JUL-1996 14:47:22.29

TEXT:

Hi Elana. I know that you called Marilyn to find out about this meeting. It is my understanding that Panetta's office is taking the lead on setting it up. He wanted to hold off until after the leadership meeting tonight that POTUS is having with Daschle and Gephardt.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: M. Jill Gibbons (GIBBONS_M) (OMB)

CREATION DATE/TIME:16-JUL-1996 14:48:25.22

SUBJECT: Revised SAP on Campaign Finance

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)

READ:16-JUL-1996 14:54:00.48

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-JUL-1996 14:54:28.56

TEXT:

The following is the SAP on HR 3760 as revised by WH/LA (Jacoby). Please provide any comment or sign off as soon as possible but no later than 3:30. Thanks

PRINTER FONT 12_POINT_ROMAN

DRAFT - NOT FOR RELEASE

July 16, 1996

(House)

H.R. 3760 - Campaign Finance Reform Act of 1996

(Rep. Thomas (R) WY and 8 cosponsors)

The Administration strongly opposes H.R. 3760. This legislation drives campaign financing in the wrong direction by encouraging a dramatic increase in campaign spending and enhancing the role of wealthy individuals and special interests in federal elections. Increased campaign contribution limits for individuals and political action committees when they give to State and national parties will result in increased influence for a special few at the expense of the vast majority of the American public. Additionally, the bill does not address the real problems with the Nation's campaign finance system, such as the rising cost of campaigns, the influence of special interests, the costs of television and radio broadcast time, or ending the "soft money" system. To the contrary, H.R. 3760 would increase the cost of elections, give special interests an even greater voice in the political process, discourage real competition in races across the Nation, and tip the scales further in favor of incumbents.

* * * * *

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Alice E. Shuffield (SHUFFIELD_A) (OMB)

CREATION DATE/TIME:16-JUL-1996 14:53:23.11

SUBJECT: POTUS Campaign Finance letter - quick clearance

TO: Martha Foley (FOLEY_M) (WHO)

READ:17-JUL-1996 11:54:22.83

TO: John C. Angell (ANGELL_J) (WHO)

READ:16-JUL-1996 14:54:42.09

TO: Michael Waldman (WALDMAN_M) (WHO)

READ:16-JUL-1996 15:37:59.69

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)

READ:16-JUL-1996 14:55:05.67

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-JUL-1996 14:56:33.64

CC: Christopher F. Walker (WALKER_C) (WHO)

READ:NOT READ

CC: Peter Jacoby (JACOBY_P) (WHO)

READ:16-JUL-1996 18:35:09.62

TEXT:

Below is a Presidential letter to Speaker Gingrich regarding Campaign Finance Reform, drafted by Peter Jacoby/John Hilley.

Please let me know as soon as possible if you have any concerns. White House Legislative Affairs aims to have the letter prepared for the President's signature this afternoon. The bill (H.R. 3760) is going to the House Rules Committee tonight, and to the House floor tomorrow.

THANKS!

Alice (5-4790)

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE:16-JUL-1996 12:15:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Peter Jacoby

ATT SUBJECT: Campaign Finance Letter for Circulation (Hilley has approved)

ATT TO: Alice E. Shuffield (SHUFFIELD_A)

TEXT:

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE:16-JUL-1996 10:09:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Peter Jacoby

ATT SUBJECT: Campaign Finance Reform Letter for John's Approval

ATT TO: Elisa M. Millsap

(MILLSAP_E)

TEXT:

July 16, 1996

Dear Speaker Gingrich:

Just over a year ago, I shook hands with you and publicly affirmed my commitment to reforming the nation's campaign finance laws. As the House begins to consider campaign finance reform legislation, I urge you to follow through on our commitment and send me legislation that will address the American public's desire for real change in our political process, and in so doing renew our democracy and strengthen our country.

Unfortunately, I believe the leading Republican campaign finance reform bill, H.R. 3760, by Congressman Thomas, falls far short of our commitment. This legislation would drive campaign financing in the wrong direction. For example, the increased campaign contribution limits in this measure will only work to enhance the role of wealthy individuals and special interests in federal elections. This will ultimately undermine the participation of the average citizen in elections and weaken, not strengthen, our political system.

Organized interests already have too much power in the halls of government and the Thomas legislation would only work to expand that power. As an alternative, I urge your support for the comprehensive, bipartisan legislation crafted by Congresswoman Smith, Congressman Meehan and Congressman Shays. In particular, I approve of several reforms such as placing limits on spending, curbing PAC and lobbyist influence, discounting the cost of broadcast time, and reforming the soft money system.

As we work to reform campaign finance, we must do everything in our power to ensure that we open, not limit, the political process. Our goal is to take the reins of our democracy away from big special interests, from big money, and to return them to the hands of those who deserve them -- ordinary Americans. Real reform is now achievable. I urge you to lead the House in passing sensible, comprehensive bipartisan campaign finance reform legislation and give the American people something we can all be proud of.

Sincerely,

The Honorable Newt Gingrich

The Speaker
United States House of Representatives
Washington, D.C. 20515

===== END ATTACHMENT 2 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Marna E. Madsen (MADSEN_M) (WHO)

CREATION DATE/TIME:17-JUL-1996 10:04:49.75

SUBJECT: Reminder

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:17-JUL-1996 10:49:00.06

TEXT:

Just a reminder that you are scheduled to host the legal intern's
brown bag lunch today.....

: -)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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003. email	Michael Fitzpatrick to Elena Kagan at 10:58:11.36. Subject: Lunch (1 page)	07/17/1996	Personal Misfile
------------	--	------------	------------------

COLLECTION:

Clinton Presidential Records
 Automated Records Management System (Email)
 WHO ([Kagan])
 OA/Box Number: 500000

FOLDER TITLE:

[7/3/1996 - 7/17/1996]

2009-1006-F
ke696

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
 P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P3 Release would violate a Federal statute [(a)(3) of the PRA]
 P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
 b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Cheryl L Sweitzer (SWEITZER_C) (WHO)

CREATION DATE/TIME:17-JUL-1996 11:49:55.69

SUBJECT: Mid-Session Review of the 1997 Budget

TO: Donna Alberts (ALBERTS_D)
READ:NOT READ

TO: Jana L. Blair (BLAIR_J)
READ:NOT READ

TO: Pamela Brewington (BREWINGTON_P)
READ:NOT READ

TO: Virginia Canter (CANTER_V)
READ:NOT READ

TO: James Castello (CASTELLO_J)
READ:NOT READ

TO: Christopher D. Cerf (CERF_C)
READ:NOT READ

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ:17-JUL-1996 13:00:58.67

TO: Jonathan Denbo (DENBO_J) (WHO)
READ:17-JUL-1996 12:36:00.96

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ:17-JUL-1996 11:50:16.26

TO: Mark D. Fabiani (FABIANI_M) (WHO)
READ:NOT READ

TO: David Fein (FEIN_D) (WHO)
READ:17-JUL-1996 12:01:24.43

TO: Kimberly A. Holliday (HOLLIDAY_K)
READ:NOT READ

TO: Edward F. Hughes (HUGHES_E) (WHO)
READ:17-JUL-1996 15:42:06.12

TO: Rochester M. Johnson (JOHNSON_RM) (WHO)
READ:17-JUL-1996 12:22:53.63

TO: Elena Kagan (KAGAN_E) (WHO)
READ:17-JUL-1996 14:41:21.11

TO: Marvin Krislov (KRISLOV_M)
READ:NOT READ

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:18-JUL-1996 14:57:30.44

TO: D. Craig Livingstone (LIVINGSTON_D)

READ:NOT READ

TO: Clifford J. Mauton	(MAUTON_C) (WHO)
READ:17-JUL-1996 11:50:32.76	
TO: Cheryl D. Mills	(MILLS_C) (WHO)
READ:18-JUL-1996 11:06:51.74	
TO: Melissa M. Murray	(MURRAY_MM) (WHO)
READ:17-JUL-1996 12:22:46.84	
TO: Miriam R. Nemetz	(NEMETZ_M) (WHO)
READ:17-JUL-1996 12:06:33.87	
TO: Stephen R. Neuwirth	(NEUWIRTH_S)
READ:17-JUL-1996 11:53:46.62	
TO: Victoria L. Radd	(RADD_V) (WHO)
READ:17-JUL-1996 11:55:06.26	
TO: Stacy E. Reynolds	(REYNOLDS_S) (WHO)
READ:17-JUL-1996 16:03:59.92	
TO: Robert W. Schroeder III	(SCHROEDER_R) (WHO)
READ:17-JUL-1996 11:50:31.53	
TO: Jane C. Sherburne	(SHERBURNE_J) (WHO)
READ:17-JUL-1996 15:12:01.11	
TO: Robert A. VanKirk	(VANKIRK_R) (WHO)
READ:18-JUL-1996 11:15:27.14	
TO: Odetta S. Walker	(WALKER_O) (WHO)
READ:17-JUL-1996 15:32:55.01	
TO: Renee A. Warren	(WARREN_R)
READ:NOT READ	
TO: Kathleen M. Whalen	(WHALEN_K) (WHO)
READ:17-JUL-1996 11:53:59.93	
TO: Natalie Williams	(WILLIAMS_N)
READ:NOT READ	
TO: Jon Yarowsky	(YAROWSKY_J) (WHO)
READ:17-JUL-1996 15:05:51.91	

TEXT:

I have two copies of the aforementioned document. If you are interested in having a copy, please call me. First come, first served.

Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern (STERN_T) (WHO)

CREATION DATE/TIME:17-JUL-1996 14:52:10.89

SUBJECT: team act memo

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:17-JUL-1996 16:02:44.48

TEXT:

I never got anything from you. You still want to send it? tds

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen (JENSEN_T) (CEQ)

CREATION DATE/TIME:17-JUL-1996 18:41:56.04

SUBJECT: Conference Call Notice - Takings Team

TO: Dinah Bear (BEAR_D) (CEQ)

READ:17-JUL-1996 18:40:07.45

TO: Carol R. Dennis (DENNIS_C) (OMB)

READ:18-JUL-1996 08:31:38.57

TO: Martha Foley (FOLEY_M) (WHO)

READ:17-JUL-1996 19:00:04.83

TO: Michael L. Goad (GOAD_M) (OMB)

READ:29-JUL-1996 10:12:46.56

TO: Thomas C. Jensen (JENSEN_T) (CEQ)

READ:18-JUL-1996 08:50:52.00

TO: Sally Katzen (KATZEN_S) (OMB)

READ:18-JUL-1996 14:08:17.03

TO: FAX (92600516,Bryan Brice) (TLXA1MAIL_\F:92600516\C:Bryan Brice\\)

READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)

READ:17-JUL-1996 18:43:53.87

TO: Ronald K. Peterson (PETERSON_RK) (OMB)

READ:18-JUL-1996 08:14:30.60

TO: Tracey E. Thornton (THORNTON_T) (WHO)

READ:18-JUL-1996 10:14:59.59

TO: FAX (92085584,Ed Cohen) (TLXA1MAIL_\F:92085584\C:Ed Cohen\\)

READ:NOT READ

TO: FAX (95140557,Jim Simon) (TLXA1MAIL_\F:95140557\C:Jim Simon\\)

READ:NOT READ

TO: FAX (93953744,Tom Jensen) (TLXA1MAIL_\F:93953744\C:Tom Jensen\\)

READ:NOT READ

TO: FAX (95145499,Jill Gibson) (TLXA1MAIL_\F:95145499\C:Jill Gibson\\)

READ:NOT READ

TO: FAX (95140557,Bess Osenbaugh) (TLXA1MAIL_\F:95140557\C:Bess Osenbaugh\\)

READ:NOT READ

TO: FAX (97036934507,Jim VanNess) (TLXA1MAIL_\F:97036934507\C:Jim VanNess\\)

READ:NOT READ

TO: FAX (97205437,Eric Olson) (TLXA1MAIL_\F:97205437\C:Eric Olson\\)

READ:NOT READ

TO: FAX (92603684,Gary Guzy) (TLXA1MAIL_\F:92603684\C:Gary Guzy\\)

READ:NOT READ

TO: FAX (55863, Ray Prince) (TLXA1MAIL_\F:55863\C:Ray Prince\\)
READ:NOT READ

TO: FAX (92191220, Joe Sax) (TLXA1MAIL_\F:92191220\C:Joe Sax\\)
READ:NOT READ

TO: FAX (97610270, Lance Wood) (TLXA1MAIL_\F:97610270\C:Lance Wood\\)
READ:NOT READ

TO: FAX (92604372, Lynn Ross) (TLXA1MAIL_\F:92604372\C:Lynn Ross\\)
READ:NOT READ

TO: Michael A. Fitzpatrick (FITZPATRIC_M) (OMB)
READ:17-JUL-1996 18:54:21.06

TO: Elena Kagan (KAGAN_E) (WHO)
READ:17-JUL-1996 18:57:31.15

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:18-JUL-1996 16:26:30.97

TO: FAX (95140557, Monica Medina) (TLXA1MAIL_\F:95140557\C:Monica Medina\\)
READ:NOT READ

TO: FAX (93015040016, Bob Wager) (TLXA1MAIL_\F:93015040016\C:Bob Wager\\)
READ:NOT READ

TO: FAX (92608393, David Coursen) (TLXA1MAIL_\F:92608393\C:David Coursen\\)
READ:NOT READ

TO: FAX (97036973366, Michael Davis) (TLXA1MAIL_\F:97036973366\C:Michael Davis\\)
READ:NOT READ

TEXT:

The EOP/Agency takings team will meet by conference call on
Thursday, July 18th, at 4:00 p.m.

The call-in number is 260-8330 4933#.

The purpose of the call is to discuss S.1954, the revised Senate
takings bill that was introduced yesterday.

Thanks for your cooperation.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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004. email	Michael Fitzpatrick to Elena Kagan at 18:57:13.25. Subject: Lunch (1 page)	07/17/1996	Personal Misfile
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COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[7/3/1996 - 7/17/1996]

2009-1006-F
ke696

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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005. email	Michael Fitzpatrick to Elena Kagan at 18:59:19.19. Subject: Lunch (1 page)	07/17/1996	Personal Misfile
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COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[7/3/1996 - 7/17/1996]

2009-1006-F
ke696

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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